

Chester Willcox & Saxbe, LLP  
65 East State Street, Suite 1000  
Columbus, OH 43215

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SCOTT M. DORAN  
Direct 614.334.6157  
sdoran@cwsllaw.com

US EPA RECORDS CENTER REGION 5



505802

SW0810-23

August 12, 2010

**VIA EMAIL AND REGULAR U.S. MAIL**

Public Documents Request  
Attn: Penny Horstman  
Southwest Ohio EPA  
Southwest District Office  
401 East Fifth Street  
Dayton, Ohio 45402-2911

RE: *South Dayton Dump and Landfill Site*  
EPA I.D. No. OHD980611388

Dear Ms. Horstman:

Pursuant to Ohio's Public Records Law, I am requesting certain documents described below related to the site identified by USEPA and Ohio EPA as the "South Dayton Dump and Landfill Site" located in Moraine, Ohio (the "Site"). This Site is a USEPA lead Superfund site, but the Ohio EPA Southwest District Office has been intimately involved in the on-going investigation of the Site. Matt Justice of the Division of Emergency and Remedial Response ("DERR") is Ohio EPA's Project Manager for the Site.

The following request for documents excludes all documents generated by the Respondents to the USEPA Order for the Remedial Investigation and Feasibility Study (the "RI/FS Order") for the Site (Illinois Tool Works, Kelsey-Hayes, and NCR) and further excludes documents prepared or received prior to 2005. The request includes all documents related to internal Ohio EPA (specifically including the Southwest District Office) communications and communications involving Ohio EPA with outside individuals and agencies including but not limited to USEPA. In that regard, please provide copies of all Ohio EPA documents (unless specifically excluded) related to the South Dayton Site including but not limited to internal agency communications (specifically including the files of Matt Justice and Mark Allen), communications with USEPA or other outside federal or state agencies, communication with any individual or public interest group, internal notes, comments, telephone logs, emails and related documents. Please provide copies of these documents in either hard copy or electronic form.

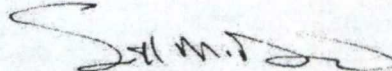


Public Documents Request  
Ms. Penny Horstman  
August 12, 2010

I understand there may be a charge for the preparation and copying of these documents. This letter constitutes our authorization to incur such charges up to and including \$500.00.

Please call me if I can provide additional information to assist you in identifying the relevant documents.

Very truly yours,



Scott M. Doran



# File Review Request and Response Tracking Form

## Coordinator

Date Agency Received Request:	08/12/10	Agency Tracking Number:	SW0810-23
Date Contacted Requester:			
File Review Appointment:	Date:		Time:

Requester Name & Address:	Scott M. Doran Chester Willcox & Saxbe 66 East State Street, Suite 1000 Columbus, Ohio 43215				
Phone:	614-334-6157	Fax:	614-221-4012	E-mail:	<a href="mailto:sdoran@cwslaw.com">sdoran@cwslaw.com</a>

Site File Information: Name / a.k.a. / f.k.a. / ID number?	<b>South Dayton Dump and Landfill Site OHD980611388</b>
Address:	Moraine, Ohio
County:	Montgomery
Time Frame:	
Types of Records Requested: (from checklist)	DERR, DSIWM, HW
<b>Coordinator Comments:</b>	

### POC Response:

### Notes / Measurement:

<input type="checkbox"/> DSW	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input type="checkbox"/> PreTreat.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input type="checkbox"/> WQ	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input type="checkbox"/> WQ/401	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input type="checkbox"/> StormW	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input checked="" type="checkbox"/> DSIWM	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input type="checkbox"/> DW	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input type="checkbox"/> GW	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input checked="" type="checkbox"/> DHWM	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input checked="" type="checkbox"/> DERR	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input type="checkbox"/> OSI	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input type="checkbox"/> OCAPP	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input type="checkbox"/> MicroFin.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input type="checkbox"/> DAPC	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	

In-house Copies Made:	Date Copied:	Number of Copies:	Date Mailed:
Date Invoice Sent to Requester:		Invoice Number:	
Date Records Request is Completed:			

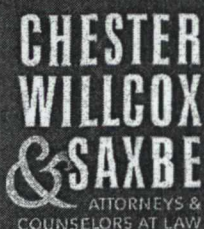


## File Review Request and Response Tracking Form

### **Legal:**

Legal Review needed? Y <input type="checkbox"/> N <input type="checkbox"/>	Date Sent to Legal:	Date Legal returned:
Confidential Records Log: Y <input type="checkbox"/> N <input type="checkbox"/>	Date Confidential Records Log or files provided to requester:	
Notes:		





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SW0810-23

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Public Documents Request  
Attn: Penny Horstman  
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Southwest District Office  
401 East Fifth Street  
Dayton, Ohio 45402-2911

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EPA I.D. No. OHD980611388

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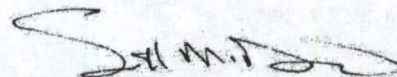


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Very truly yours,



Scott M. Doran



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Phone:	614-334-6157	Fax:	614-221-4012	E-mail:	sdoran@cwsllaw.com

Site File Information: Name / a.k.a. / f.k.a. / ID number?	<b>South Dayton Dump and Landfill Site OHD980611388</b>				
Address:	Moraine, Ohio				
County:	Montgomery				
Time Frame:					
Types of Records Requested: (from checklist)	DERR, DSIWM, HW				
<b><u>Coordinator Comments:</u></b>					

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<input type="checkbox"/> OSI	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input type="checkbox"/> OCAPP	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input type="checkbox"/> MicroFin.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	
<input type="checkbox"/> DAPC	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Date	

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Confidential Records Log: Y <input type="checkbox"/> N <input type="checkbox"/>	Date Confidential Records Log or files provided to requester:	
Notes:		



**From:** Mark Allen  
**To:** chaught@moraineoh.org  
**Date:** 6/16/2010 10:22 AM  
**Subject:** Reuse of Superfund Sites  
**Attachments:** c\_reuse.pdf; EPA-CERCLA-Landfill-Reuse.pdf; landuse.pdf

I'll be sending you two emails as there are several documents and if I put them all in one it may not go through. Note that some documents are guidance and some are directives from EPA HQ to the Regions telling them this is important. I'll send you a second email shortly with several more.

Mark Allen  
Ohio EPA, Southwest District Office  
Division of Emergency and Remedial Response  
401 E. 5th Street  
Dayton, OH 45402  
(937) 285-6059



**From:** Mark Allen  
**To:** chaught@moraineoh.org  
**Date:** 6/16/2010 10:30 AM  
**Subject:** More on Superfund Reuse  
**Attachments:** final\_directory-1.pdf; recreuse.pdf; reusefinal.pdf; reusingsites.pdf

I know I'm burying you, but I suggest you scan through this material before calling EPA (if you plan to) and feel free to call back with any questions you may have about what I've sent you. Hope this helps.

Please respond to this email so I know they are getting through to you. Thanks.

Mark Allen  
Ohio EPA, Southwest District Office  
Division of Emergency and Remedial Response  
401 E. 5th Street  
Dayton, OH 45402  
(937) 285-6059



**From:** Mark Allen  
**To:** Krause.Patricia@epamail.epa.gov  
**Date:** 6/16/2010 2:45 PM  
**Subject:** Reuse guidance Sent to City of Moraine  
**Attachments:** c\_reuse.pdf; EPA-CERCLA-Landfill-Reuse.pdf; landuse.pdf

As we discussed. I sent these documents to Chuck Haught with the City of Moraine, engineering dept. There will be a second email shortly.

Mark Allen  
Ohio EPA, Southwest District Office  
Division of Emergency and Remedial Response  
401 E. 5th Street  
Dayton, OH 45402  
(937) 285-6059



**From:** Mark Allen  
**To:** Krause.Patricia@epamail.epa.gov  
**Date:** 6/16/2010 2:48 PM  
**Subject:** Second "South Dayton Dump" Reuse email  
**Attachments:** final\_directory-1.pdf; recreuse.pdf; reusefinal.pdf; reusingsites.pdf

I sent these to Moraine as well. I suggested that if they looked through them they could have a better conversation with EPA (if they call).

Mark Allen  
Ohio EPA, Southwest District Office  
Division of Emergency and Remedial Response  
401 E. 5th Street  
Dayton, OH 45402  
(937) 285-6059



**From:** Mark Allen  
**To:** Karen Cibulskis  
**Date:** 7/7/2010 11:10 AM  
**Subject:** HELP Model Example Run for Alternative Cap Equivalency  
**Attachments:** 016816Memo-362.pdf

**CC:** Matt Justice

Karen: As we discussed today, here's an example of how we evaluate alternative cap "equivalency" to ARAR compliant caps. We are currently having our HELP model gurus give this revised attempt the once over, so I can't tell you it is done correctly, but it does show you what is needed to evaluate the use of the model. It is for the Valleycrest Landfill NPL site, where CRA is the PRP contractor, so they know what they need to do even though they are not doing it at SDD. Please note that there are only two caps: ARAR compliant and an alternative cap, nether of which are intended for vehicle traffic. There may be other legitimate variations at SDD to accommodate existing businesses to the extent that can be done, and if so, the approach to equivalency of a "drive-able" cap with that of a compliant cap would be the same. At any rate, this shows you what is submitted when the model needs to be verified. I'm sure there are people at your end who are familiar with the HELP model as it is an EPA model. The reference is:

Schroeder, P.R. et al., 1994a. The Hydrogeologic Evaluation of Landfill Performance (HELP) Model: User Guide for Version 3; EPA/600/R-94/168a; USEPA, Washington, DC.

Matt is working on the list of areas where it may be prudent to do some additional investigation at some point to determine if something in addition to containment might be needed .

Mark Allen  
Ohio EPA, Southwest District Office  
Division of Emergency and Remedial Response  
401 E. 5th Street  
Dayton, OH 45402  
(937) 285-6059



**From:** Mark Allen  
**To:** Karen Cibulskis  
**Date:** 7/13/2010 9:27 AM  
**Subject:** MatCon\_EPA evaluation.pdf - Adobe Reader  
**Attachments:** MatCon\_EPA evaluation.pdf

FYI



**From:** Mark Allen  
**To:** Matt Justice  
**Date:** 7/19/2010 9:55 AM  
**Subject:** two files on ARARs  
**Attachments:** SDD OU1 FS ARARs Comments - Ohio EPA 07-19-10.doc; SDD OU 1 FS Appendix  
C  
ARARs-OEPA-07-19-10.pdf

**From:** Mark Allen  
**To:** Cibulskis.Karen@epamail.epa.gov; Matt Justice  
**Date:** 8/9/2010 1:39 PM  
**Subject:** Re: Fw: 38443: Respondents Concerns Regarding USEPA Comments on the FS - South Dayton Dump & Landfill

Thanks. I think I need to be in the loop until you are comfortable with where OU-1 is going; i.e.; until you get through the FS. One thing to be aware of is that CRA is also the PRP contractor for the Valleycrest Landfill Site Group (VLSG) at Valleycrest Landfill here in Dayton (NPL site). Dion Novak is involved at your end. It was (is still for the time being) a state-lead RI/FS that will be a federal lead RD/RA and as part of that EPA will be doing the proposed plan and ROD. Dion comments on the FS and we work those comments into ours for the time being (until the site changes lead). Valleycrest and South Dayton Dump are in the same state ARAR basket solid-waste wise and about the same size (large area to cap). The commonality in the CRA FS submittals about unacceptable caps and defense thereof is striking. Identical language in many cases. I have asked the Site Coordinator (Scott Glum) for Valleycrest to sit in on the eventual conf call that will occur with SDD on the FS if it happens before the discussion with the VLSG about Valleycrest. I will participate in both call/meetings. It is important for both agencies that the approach to ARARs at these similarly situated sites be handled consistently. Thanks for copying me.

>>> <Cibulskis.Karen@epamail.epa.gov> 8/9/2010 12:57 PM >>>

I know Matt got a copy of CRA's July 26, 2010 email, but I am not sure if you got a copy of CRA's August 4, 2010 letter, referenced in EPA's August 9, 2010 letter.

Karen.

----- Forwarded by Karen Cibulskis/R5/USEPA/US on 08/09/2010 11:55 AM

----->  
 | From: |  
 |----->  
 >----->  
 | "Loney, Adam" <aloney@croworld.com> |  
 >----->  
 |----->  
 | To: |  
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 >----->  
 | Karen Cibulskis/R5/USEPA/US@EPA |  
 >----->  
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 | Cc: |  
 |----->  
 >----->  
 | Timothy Prendiville/R5/USEPA/US@EPA, Wendy Carney/R5/USEPA/US@EPA, Thomas Nash/R5/USEPA/US@EPA, Larry Kyte/R5/USEPA/US@EPA, "Brown, Ken" |  
 | <KBrown@ITW.com>, "Scott Blackhurst" <Scott.Blackhurst@TRW.COM>, "Hartje, John" <jh250064@NCR.COM>, <jrc@e-emi.com>, "Paul Jack" |  
 | <cbay3@verizon.net>, "Chris Athmer" <cjathmer@terrancorp.com>, <kcsmith@terrancorp.com>, <KMARTY@shb.com>, "Wray Blattner" |  
 | <Wray.Blattner@thompsonhine.com>, "Lunn, Robin R." <RLunn@winston.com>, "Mignone, Karen" <kmignone@verrilldana.com>, "Scott M. Doran" |  
 | <sddoran@cwslaw.com>, "Quigley, Steve" <squigley@croworld.com> |  
 |----->  
 |----->  
 | Date: |  
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 >----->



|08/04/2010 03:55 PM

|----->  
| Subject: |  
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|----->  
|38443: Respondents Concerns Regarding USEPA Comments on the FS - South Dayton Dump & Landfill, Moraine, Ohio  
|  
|----->

Further to Steve Quigley's email of July 26, 2010 (provided below), please find attached a letter outlining the concerns of the Respondents to the ASAOC for the South Dayton Dump and Landfill with respect to USEPA's comments on the Feasibility Study Report for Operable Unit 1.

<<038443Cibu-87-OU1 Streamlined FS.pdf>>

It is clear to us there are fundamental disagreements about essential site elements. Because of this we think it is very important to schedule a meeting with the parties and their counsel to develop a path forward. We would suggest a meeting either the week of August 16, or thereafter.

Regards, Adam

Adam Loney, P. Eng.  
Conestoga-Rovers & Associates (CRA)  
651 Colby Drive  
Waterloo, ON N2V 1C2  
Phone: 519.884.0510  
Fax: 519.884.0525  
Cell: 519.502.2897  
Email: [aloney@CRAworld.com](mailto:aloney@CRAworld.com)  
[www.CRAworld.com](http://www.CRAworld.com)  
Think before you print P  
Perform every task the safe way, the right way, every time!

From: "Quigley, Steve" <[squigley@croworld.com](mailto:squigley@croworld.com)>  
To: Karen Cibulskis/R5/USEPA/US@EPA

Cc: Wendy Carney/R5/USEPA/US@EPA, Timothy Prendiville/R5/USEPA/US@EPA, Thomas Nash/R5/USEPA/US@EPA, <[Matt.Justice@epa.state.oh.us](mailto:Matt.Justice@epa.state.oh.us)>, "Ken |

|Brown" <[KBrown@ITW.com](mailto:KBrown@ITW.com)>, "Scott Blackhurst"  
<[scott.blackhurst@trw.com](mailto:scott.blackhurst@trw.com)>, "[KMARTY@shb.com](mailto:KMARTY@shb.com)" <'KMARTY@shb.com'>,  
"Blattner, Wray" |

|<[Wray.Blattner@thompsonhine.com](mailto:Wray.Blattner@thompsonhine.com)>, "Karen A Mignone"  
<[kmignone@verrilldana.com](mailto:kmignone@verrilldana.com)>, "Michael A. Cyphert"  
<[mcyphert@walterhav.com](mailto:mcyphert@walterhav.com)>, "Leslie |

|G. Wolfe" <[lwolfe@walterhav.com](mailto:lwolfe@walterhav.com)>, "Wanless, Brock"



<bwanless@ITW.com>, "jrc@e-emi.com" <jrc@e-emi.com>, "Lunn, Robin R."

|<RLunn@winston.com>, <cbay3@verizon.net>, <kcsmith@terrancorp.com>,  
<cjathmer@terrancorp.com>, "Chan, Valerie" <vchan@croworld.com>, |

|"Smith, Douglas" <dbsmith@croworld.com>, "Filing"  
<Filing@croworld.com>

Date: 07/26/2010 01:49 PM

Subject: South Dayton Dump and Landfill Site Feasibility  
Study~COR-038443-85~

The cooperating parties working on the RI/FS for the South Dayton Site have reviewed the comments generated by USEPA and Ohio EPA. It is clear to us there are fundamental disagreements about essential site elements.

Because of this we think it is very important to schedule a meeting with the parties and their counsel to develop a path forward. Due to the involvement of additional parties, we believe we need additional time to schedule a meeting. We would suggest a meeting either the week of August 16, or thereafter.

We will send you a letter on or before August 4 identifying the issues to be addressed.

Steve  
Stephen M. Quigley P. Eng., P.E.  
Conestoga-Rovers & Associates  
651 Colby Drive  
Waterloo ON  
N2V 1C2

519-884-0510  
519-498-7997 (cell)  
[www.croworld.com](http://www.croworld.com)

(See attached file: 038443Cibu-87-OU1 Streamlined FS.pdf)



**From:** Mark Allen  
**To:** Cibulskis.Karen@epamail.epa.gov  
**Date:** 8/10/2010 11:21 AM  
**Subject:** Re: Fw: 38443: Respondents Concerns Regarding USEPA Comments on the FS - South Dayton Dump & Landfil

What they have in common, among other things:

Similar with respect to time of operation, located in gravel pit over (and in) sole source aquifer, couldn't meet LF siting requirements when they came out, had to close but never closed under the rules and never requested an extension to submit a closure plan. Hence they are considered to still be operating under the rules regardless of when they last took waste, and hence they are subject to current closure rules. Garland Road Landfill is another CERCLA site in the same ARAR situation (Matt Ohl) that's through the process (remedy selected and absent GM going bankrupt, implementation of remedy would have started - GM was only PRP - exclusively GM waste in municipal waste). That's the site where some time ago your Regional Counsel and our Legal folks responded in detail to every issue raised by the PRPs regarding closure under current rules being applicable ARARs. These sites (VC and SDD) are largish landfills and caps cost money so this is where the argument falls. Terry Branigan (sp?) was the Regional Counsel who worked with Matt Ohl and our legal folks on Garland. I mention all this as should the need arise, we don't have to reinvent the wheel.

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>>> <Cibulskis.Karen@epamail.epa.gov> 8/10/2010 10:39 AM >>>  
Thanks Mark, I forwarded your concerns to Tim Prendiville, my Section Chief, who is out until August 18th. I am not very familiar with Valley Asphalt, or how this site is similar to, or different from South Dayton. However, Tim is also Dion's Section Chief, so hopefully he can help with EPA's perspective on both sites. Karen.

|----->  
| From: |  
|----->  
|>  
| "Mark Allen" <Mark.Allen@epa.state.oh.us> |  
|----->  
|----->  
| To: |  
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|>  
| "Matt Justice" <Matt.Justice@epa.state.oh.us>, Karen Cibulskis/R5/USEPA/US@EPA |  
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| Karen Cibulskis/R5/USEPA/US@EPA  
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| Cc: |  
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|Timothy Prendiville/R5/USEPA/US@EPA, Wendy Carney/R5/USEPA/US@EPA,  
Thomas Nash/R5/USEPA/US@EPA, Larry Kyte/R5/USEPA/US@EPA, "Brown, Ken"|  
|<KBrown@ITW.com>, "Scott Blackhurst" <Scott.Blackhurst@TRW.COM>,  
"Hartje, John" <jh250064@NCR.COM>, <jrc@e-emi.com>, "Paul Jack" |  
|<cbay3@verizon.net>, "Chris Athmer" <cjathmer@terrancorp.com>,  
<kcsmith@terrancorp.com>, <KMARTY@shb.com>, "Wray Blattner"  
|  
|<Wray.Blattner@thompsonhine.com>, "Lunn, Robin R."  
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M. Doran" |  
|<sдоран@cwslaw.com>, "Quigley, Steve" <squigley@craworld.com>  
|

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|----->  
| Date: |  
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>-----|  
|08/04/2010 03:55 PM  
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>-----|  
|----->  
| Subject: |  
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|38443: Respondents Concerns Regarding USEPA Comments on the FS -  
South Dayton Dump & Landfill, Moraine, Ohio |  
>-----|

Further to Steve Quigley's email of July 26, 2010 (provided below),  
please find attached a letter outlining the concerns of the Respondents  
to the ASAOC for the South Dayton Dump and Landfill with respect to  
USEPA's comments on the Feasibility Study Report for Operable Unit 1.

<<038443Cibu-87-OU1 Streamlined FS.pdf>>  
It is clear to us there are fundamental disagreements about essential  
site elements. Because of this we think it is very important to  
schedule a meeting with the parties and their counsel to develop a path  
forward. We would suggest a meeting either the week of August 16, or  
thereafter.

Regards, Adam

Adam Loney, P. Eng.  
Conestoga-Rovers & Associates (CRA)



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Think before you print P  
Perform every task the safe way, the right way, every time!

From: "Quigley, Steve" <[squigley@craworld.com](mailto:squigley@craworld.com)>  
To: Karen Cibulskis/R5/USEPA/US@EPA

Cc: Wendy Carney/R5/USEPA/US@EPA, Timothy Prendiville/R5/USEPA/US@EPA,  
Thomas Nash/R5/USEPA/US@EPA, <[Matt.Justice@epa.state.oh.us](mailto:Matt.Justice@epa.state.oh.us)>, "Ken |

|Brown" <[KBrown@ITW.com](mailto:KBrown@ITW.com)>, "Scott Blackhurst"  
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"Blattner, Wray" |

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Date: 07/26/2010 01:49 PM

Subject: South Dayton Dump and Landfill Site Feasibility  
Study~COR-038443-85~

The cooperating parties working on the RI/FS for the South Dayton Site have reviewed the comments generated by USEPA and Ohio EPA. It is clear to us there are fundamental disagreements about essential site elements.

Because of this we think it is very important to schedule a meeting with the parties and their counsel to develop a path forward. Due to the involvement of additional parties, we believe we need additional time to schedule a meeting. We would suggest a meeting either the week of August 16, or thereafter.



We will send you a letter on or before August 4 identifying the issues to be addressed.

Steve  
Stephen M. Quigley P. Eng., P.E.  
Conestoga-Rovers & Associates  
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519-884-0510  
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(See attached file: 038443Cibu-87-OU1 Streamlined FS.pdf)

-----  
Ohio Environmental Protection Agency  
Unless otherwise provided by law,  
this communication and any response to it  
constitutes a public record.  
-----

**From:** Mark Allen  
**To:** Cindy Hafner  
**Date:** 2/28/2005 11:35 AM  
**Subject:** Your meeting with South Dayton Dump PRP in Chicago

How did your meeting with the PRP in Chicago go? I hear Matt Mankowski and Wendy Carney went along with you. I assume we still on the superfund track?



**From:** Mark Allen  
**To:** Cindy Hafner  
**Date:** 2/28/2005 12:48 PM  
**Subject:** Re: Your meeting with South Dayton Dump PRP in Chicago

I asked Jyl, our site coordinator assigned to Tremont, and Jeff Hines, who has been coordinating with DSIWM over the "no funds in the closure account" issue, and neither of them are aware of any altercations with USEPA about Tremont. In short, not aware of any disagreements.

>>> Cindy Hafner 2/28/2005 11:39:11 AM >>>

Yea, I've been busy and did not get around to filling you in last week. WE "clarified thing" for them. They are evaluating their options and will get back to us.

Do you know if we are having disagreements with USEPA at Tremont? ITW alluded to this in the meeting.

>>> Mark Allen 02/28/05 11:35 AM >>>

How did your meeting with the PRP in Chicago go? I hear Matt Mankowski and Wendy Carney went along with you. I assume we still on the superfund track?

**From:** Mark Allen  
**To:** Cindy Hafner  
**Date:** 4/29/2005 3:43 PM  
**Subject:** Fwd: Re: Fw: Response to your question

OK fine. I will be AK-ing it then, and I'll hear about SDD and ITW some other time. Thanks.

>>> Cindy Hafner 4/29/2005 1:43:42 PM >>>

I've been swamped today, sorry it took this long to get back to you. @:00 Mnday , if you can't be on the call that's o.k. I think USEPA will do most of the talking anyhow, I'll fill you afterwards, keep AK in line.



**From:** Mark Allen  
**To:** Matt Justice  
**Date:** 12/30/2005 10:55 AM  
**Subject:** My draft SDD comments  
**Attachments:** OEPA\_MJ\_draftcomments\_goodfaithoffer12\_8\_05-ma.wpd

please see attached and then let's discuss any questions or comments you may have.



**From:** Mark Allen  
**To:** Cibulskis.Karen@epamail.epa.gov; Matt Justice  
**Date:** 1/3/2006 8:51 AM  
**Subject:** Response to Special Notice Letter for South Dayton Dump  
**Attachments:** OEPA\_SDD\_goodfaithoffer AOC-SOW.wpd;  
OEPA\_MJ\_draftcomments\_goodfaithoffer12  
\_8.wpd

Karen:

Please see attached regarding the response to EPA's SDD special notice letter. Sorry all of it could not be provided last week. Please let us know if we can assist in any other way. It would likely be helpful, at least for Ohio EPA, to discuss at some point with you and your team the use of EPA's RI/FS Guidance, RI/FS Guidance for CERCLA Municipal Landfills, and Presumptive Remedy Fact Sheet in the context of SDD and EPA's Orders and SOW. Perhaps we could do this before we next meet with Respondents.

Please also refer to Matt Justice's comments provided to you via email on December 28, 2005. A copy of Matt's comments is also attached to this email.

Thanks for the opportunity to review the response.

Mark Allen  
Ohio EPA, Southwest District Office  
Division of Emergency and Remedial Response  
401 E. 5th Street  
Dayton, OH 45402  
(937) 285-6059

**From:** Mark Allen  
**To:** Karen Cibulskis; Mankowski.Matthew@epamail.epa.gov; Matt Justice; Nas...  
**Date:** 1/18/2006 7:29 AM  
**Subject:** SDDL Lines of Complianace  
**Attachments:** lines of compliance-01.wpd

Karen, Tom, Matt and Matt: Yesterday Tom asked or references to the NCP preamble for some of what I was hurriedly discussing with you all during the break. I have provided these in the attached file. I would like to discuss with you how this could be considered at SDDL in a less restrictive manner than I may have referred to yesterday, yet still consistent with the attached. I'd also like to discuss with you when you draw these lines in any way other than conceptually. Please respond to this email or give me a call at (937) 285-6059 and we can go from there. Thanks.

Mark Allen  
Ohio EPA, Southwest District Office  
Division of Emergency and Remedial Response  
401 E. 5th Street  
Dayton, OH 45402  
(937) 285-6059



**From:** Mark Allen  
**To:** Cibulskis.Karen@epamail.epa.gov  
**Date:** 1/19/2006 7:08 AM  
**Subject:** Re: RESENDING: SDDL Lines of Compliance  
**Attachments:** PresumptiveGW.pdf

Karen: Yes, quite consistent. I sent the preamble stuff as Tom N. ask if I had a citation for what I was saying during the break. The concern which led to my comments during that break was not spurred by anything you said. My view of the line of compliance stuff is that it is premature at this juncture to draw that line other than in a conceptual sense. While it is always site-dependent decision, I would think down the road, once data is in, a line of compliance for ground water at a site like SDDL might be a single line which encompasses all areas where waste is left in place (containment) and the waste presented a threat to ground water. As far as investigating and evaluating remedies for a plume which may have migrated beyond a line of compliance, I agree with all you have said below about it. You guys have a guidance document, "Presumptive Response Strategy and Ex-Situ Treatment Technologies for Contaminated Ground Water at CERCLA Sites", OSWER Directive 9283.1-12, EPA 540/R-96/023, PB96-963508, October 1996, which runs very much along the lines of what you say below. I attached it to this email. EPA has a different file name for the same thing. I tend to rename EPA's electronic versions of guidance with descriptive filenames when I download them as the numbered filenames EPA uses don't suggest a subject.

>>> <Cibulskis.Karen@epamail.epa.gov> 1/18/2006 2:45:33 PM >>>  
Mark, to clarify my previous message:

The NCP and U.S. EPA guidance - OSWER Directive 9283.1-02, Guidance on Remedial Action for Contaminated Groundwater at Superfund Sites (see Section 5.2.1, Area of Attainment) indicate that drinking water standards and risk based concentrations should be attained in groundwater outside the waste management area (i.e., in groundwater outside the area addressed by the source control remedy), even if the groundwater contamination is within the facility boundary. However, there might be a number of ways to address the contaminated groundwater within the facility boundary and the contaminated groundwater outside the facility boundary, and the cleanup timeframes and/or remedies selected for the different areas of groundwater contamination could even be different. This would depend on the data and other information and analyses conducted during the RI/FS.

Cleanup standards would not apply to groundwater within the waste management area (e.g., under the capped area), although actively remediating and/or containing the groundwater beneath the waste management area might be necessary and/or otherwise implemented to increase the effectiveness of the groundwater cleanup outside the waste management area.

Is this consistent with your understanding or do we need to discuss this further? I will be out on Thursday and Friday but back in on Monday.

Karen.

Mark Allen  
<Mark.Allen@epa.  
state.oh.us>

01/18/2006 06:29  
AM

To  
Matt Justice  
<Matt.Justice@epa.state.oh.us>,  
Karen Cibulskis/R5/USEPA/US@EPA,  
MATTHEW  
MANKOWSKI/R5/USEPA/US@EPA, Thomas  
Nash/R5/USEPA/US@EPA

cc



Subject  
SDDL Lines of Complianace

Karen, Tom, Matt and Matt: Yesterday Tom asked or references to the NCP preamble for some of what I was hurriedly discussing with you all during the break. I have provided these in the attached file. I would like to discuss with you how this could be considered at SDDL in a less restrictive manner than I may have referred to yesterday, yet still consistent with the attached. I'd also like to discuss with you when you draw these lines in any way other than conceptually. Please respond to this email or give me a call at (937) 285-6059 and we can go from there. Thanks.

Mark Allen  
Ohio EPA, Southwest District Office  
Division of Emergency and Remedial Response  
401 E. 5th Street  
Dayton, OH 45402  
(937) 285-6059  
(See attached file: lines of compliance-01.wpd)



**From:** Mark Allen  
**To:** Matt Justice; Mike Starkey  
**Date:** 3/16/2006 11:33 AM  
**Subject:** Electronic version of Gov's letter  
**Attachments:** 7-13-2004 Govs NPL letter.pdf

If it's easier to store...

**From:** Mark Allen  
**To:** Cindy Hafner; Peter Whitehouse  
**Date:** 3/20/2006 12:01 PM  
**Subject:** South Dayton Dump

I talked with the RPM today and I just wanted to let you know that EPA does not have a signed agreement as of right now. Apparently the PRP group is having a conf call today to determine who will sign (if anyone) and will then contact EPA. Apparently Wendy Carney is not pleased with them and the RPM says it may not matter what they do at this point. As the site is already proposed for the NPL, it does not have to go through tiering at headquarters, and Region 5 could start a fund lead RI/FS on their own. Wendy's view is that ITW has had ample time during the two negotiation efforts to figure out if they want to sign, and she's not interested in any extensions only to find at the end of the time that they will not sign.



**From:** Mark Allen  
**To:** Karen Cibulskis  
**Date:** 3/22/2006 12:11 PM  
**Subject:** SDDL

**CC:** Matt Justice

Did EPA send the PRPs a "final" set of orders and SOW after the call March 8th? If so, could you send it along to us (unless for any reason that's a problem doing so, in which case no biggee)?

While it is too soon to write it off, I checked with Columbus and there is no feedback (as yet) from Tuesday's meeting between Gov and ITW.

**From:** Mark Allen  
**To:** Karen Cibulskis; Matt Justice  
**Date:** 9/26/2006 7:14 AM  
**Subject:** Re: PRAO Summary Table  
**Attachments:** PRAO-Table plus.wpd

For discussion purposes only, big picture-wise, taking the PRAO Summary the next step would apply it to the DC-PRA table on Page 44, maybe along the lines of what's attached (PRAO summary followed by revision of DC-PRA table on page 44).

>>> <Cibulskis.Karen@epamail.epa.gov> 9/25/2006 6:16:08 PM >>>

Just to confirm that I will call you in Mark's office at 1:30 CST/2:30 EST tomorrow to touch base on the PRAO Tech Memo for SDDL.

In the meantime, if you have started to look at the tech memo, you may have seen that the PRPs did a poor job of summarizing the PRAOs from the SOW (see page 4 of tech memo). However, since a summary table may be useful, I attempted to fix the table. My revisions are shown in underline. If you get a chance I would appreciate it if you could look at my summary and let me know if there's anything I missed or that should be revised.

Thanks! Karen.

(See attached file: PRAO-Table.wpd)



**From:** Mark Allen  
**To:** Cibulskis.Karen@epamail.epa.gov  
**Date:** 9/26/2006 10:38 AM  
**Subject:** Re: PRAO Summary Table

**CC:** Matt Justice; Vanderpool.Luanne@epamail.epa.gov

I look at their submittal and I see the work plan they wanted attached to the orders during negotiations, pretty much as it was at that time. Still classifying waste as industrial, municipal, etc. visually w/their test pits (no sampling), as though that's what drives the need for a cover/cap and not the contamination conditions that may (or may not) require control regardless of gross waste classification. Geophysics over areas that are presently open? That overgrowth can really inhibit the work, it would seem. See if it looks to you like what they submitted before, as though we had never discussed with them where that fell short.

>>> <Cibulskis.Karen@epamail.epa.gov> 9/26/2006 9:36:35 AM >>>

I haven't gotten beyond page 4 yet but skipping to page 44 I see that the DC-PRA is just amazing! I never knew it could be so effective! Why it seems like we hardly need to do any investigation at all! The tech memo is reading just like a thriller - a surprise on every page and especially at the end!

Mark Allen  
<Mark.Allen@epa.  
state.oh.us>

To  
09/26/2006 06:14 AM Matt Justice  
<Matt.Justice@epa.state.oh.us>,  
Karen Cibulskis/R5/USEPA/US@EPA  
cc

Subject  
Re: PRAO Summary Table

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In the meantime, if you have started to look at the tech memo, you may have seen that the PRPs did a poor job of summarizing the PRAOs from the SOW (see page 4 of tech memo). However, since a summary table may be useful, I attempted to fix the table. My revisions are shown in underline. If you get a chance I would appreciate it if you could look at my summary and let me know if there's anything I missed or that



should be revised.

Thanks! Karen.

(See attached file: PRAO-Table.wpd)

(See attached file: PRAO-Table plus.wpd)



**From:** Mark Allen  
**To:** Karen Cibulskis  
**Date:** 10/18/2006 9:51 AM  
**Subject:** VAP Standards Issue  
**Attachments:** rule\_2.pdf

**CC:** Matt Justice

Karen: I apologize for the delay in responding. We did discuss this with them during the negotiations, but it was not addressed in the comments on the scoping document sent out shortly after the CD was signed. You asked about:

1. Ohio EPA Commercial Industrial Land Use - Generic Direct Contact Single Chemical (Figure 3.5) (the VAP criteria?)
2. Ohio EPA Residential Land Use Generic Direct Contact Single Chemical (Figure 3.5)
3. Ohio EPA Generic Unrestricted Potable Use Standards (Figure 3.3)
4. Ohio EPA Outside Mixing Zone Maximum (Figure 3.3)

I'm sorry we missed this. We only got one hard copy of the submittal, so I had an electronic one I sent to the printer to review and it shrunk the data tables to the point where I could not make them out. Perhaps we can ask the SDDL PRPs to submit two hard copies to Ohio EPA. I note that in paragraph 35 b. of the Settlement Agreement says "Respondents shall submit to U.S. EPA and the State six (6) copies of all plans, reports, submittals, and other deliverables required under this Settlement Agreement...". I also note the SOW says we get one, which conflicts with the Settlement Agreement. We don't need six, but we do need two. Can this be arranged?

As for your question:

1) With respect to 1, 2, and 3 above, only "eligible" volunteers may "benefit" from the standards developed for the Voluntary Action Program. I have attached the eligibility requirements (filename rule\_2.pdf). Please see paragraphs (A) and (C)(4). The PRPs at SDDL are not eligible volunteers. As for 3. above, these are the same as MCLs, or they are derived following the VAP's risk assessment process and level of acceptable risk. The U.S. EPA Region 9 Preliminary Remediation Goals (Region 9 PRGs) should be the source of these generic values. Region 9 PRGs are based on common U.S. EPA default exposure parameters, are conservative in nature, and therefore are the appropriate source for screening values at SDDL, particularly when site-specific information is limited.

2) With respect to 4: These values are also inappropriate. Outside the mixing zone maximums are numbers which can never be exceeded under an NPDES permit while at the same time monthly average numbers outside the mixing zone must be met. So a number of samples may be taken over the course of the month for NPDES compliance, and to comply, the monthly average of all samples must not exceed outside the mixing zone **average** numbers, and no single sample can exceed the outside the mixing zone **maximum** numbers. The VAP applies this process (meet monthly outside mixing zone average; do not ever exceed outside mixing zone maximum) to evaluate some discharges from VAP sites. Even if they were eligible volunteers, which they are not, they got it wrong. EPA has a number of sources for ecological screening values, if that is what they are after, and I believe Region 5 has their own set. Regardless, the ecological risk assessment will be the driver for any "final" numbers.

So in short, all of it (1.-4. above) should come out, and for human health it should be replaced with Region 9 PRGs, and for eco screening values, relevant EPA guidance should be used. I'm going to assume your risk assessor can help you out with the proper EPA references for eco values. If not, let me know and I'll dig out the references I'm used to seeing EPA use.

It is possible that at some point (in not now) the PRP Group will raise the issue of VAP standards as ARARs. To be ARARs, they must be more stringent than federal standards. This is not the case for any of the VAP standards for which there are corresponding federal standards (VAP potable use = MCLs, etc.). However, the VAP does have promulgated numbers for soils and sediments, and EPA does not. Some argue that a promulgated standard is more stringent than a non-existent federal standard, and therefore is an ARAR. This is flawed in several ways. First, EPA uses a risk assessment process to come up with site-specific cleanup numbers for soils and sediments. The exposure assumptions and risk levels used in the VAP are not the same as those used by EPA. Second, the determination of what are and are not ARARs is made by U.S. EPA. You would need to determine that the VAP soil and sediment numbers are relevant and appropriate to your site, based on all the stuff you consider when you do that. So for now, ditch all 4 categories of VAP stuff and use the traditional EPA sources for screening values.



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(937) 285-6059



**From:** Mark Allen  
**To:** Cibulskis.Karen@epamail.epa.gov  
**Date:** 8/24/2007 6:55 AM  
**Subject:** Re: Containment Presumption

**CC:** Matt Justice  
Karen:

We would not agree that the a presumption of containment is protective for areas where we already know we have principal threat waste in corroding drums (such as the area where the sewer went in) or for that matter, consistent with EPA's presumptive remedy guidance. The presumption of containment, as clearly explained in the guidance, is for large quantifies of low level threat waste such as municipal waste. Industrial chemical in drums, as documented by the previous sampling of the drums removed in order to install the sewer, is principal threat waste. The trenching performed to install the sewer and photo documentation of that work, in conjunction with the sampling, shows that the presumptive remedy hot spot criteria are met for at least that area, the extent of which is unknown. The upshot is that it should be evaluated for treatment or removal. That evaluation should go forward. If we need to discuss this further, we should.

Mark

Consistent with our presumptive remedy guidance I believe that as long as we would be capping and controlling groundwater at the Site boundary and controlling landfill/soil gas and groundwater vapors in on-Site buildings and at Site boundary I don't think we need to do a hot spot investigation because the entire Site would be contained anyway. Check out the Presumptive Remedy Fact Sheet for more explanation. We required it in the SOW because the PRPs only proposed to do a direct contact presumptive remedy on only part of the Site and nothing else at which point finding any hot spots would be more critical.

Thoughts? Karen.



**From:** Mark Allen  
**To:** Cibulskis.Karen@epamail.epa.gov; Matt Justice  
**Date:** 2/13/2008 2:22 PM  
**Subject:** Question RE: Embankments

**CC:** Brett.Fishwild@CH2M.com; TCCampbell@ene.com; vanderpool.luanne@epa.gov  
I am in negotiations all day. Karen: We will need to discuss the issues in your email. They raise a variety of issues, not the least of which is ARARs and also our willingness to get behind the presumptive proposal to the extent it is compromised. Maybe you and Matt can work out a time. I gotta go right now.  
Mark

>>> Matt Justice 2/13/2008 10:41 AM >>>  
Hi Karen,

When you talk about limiting "later infiltration" it sounds like you're concerned about capping the embankment slope to block ground water flow through waste. Keep in mind that the Great Miami is the dominant control on ground water flow at the site. Based on what we know so far, the river is under losing conditions year round, with ground water flow being southwesterly through the site. So a cap will do nothing to address ground water flow through waste.

>>> <Cibulskis.Karen@epamail.epa.gov> 2/12/2008 4:01 PM >>>  
In speaking with Luanne Vanderpool after today's meeting and explaining the PRPs wanting to determine whether the embankment was a strip of clean fill with maybe some contamination on top they could scrape off or confirm it is "waste material" that would need to be capped, Luanne brought up an additional point we didn't consider. I know we had some comments on this during the meeting but never asked the PRPs this directly.

Since the borings show the landfill contents go down past the elevation of the embankments and even below the water table, wouldn't the PRP's have to cap the sideslope of the embankments anyway to minimize lateral infiltration through the landfill even if it is clean? Especially during flood events. Otherwise the PRPs would be asking to have the embankment act as the sideslope of their cap, which doesn't seem like it would work unless the embankment was constructed of low-permeability material.

I know in some areas of the Site the PRPs question whether a low-permeability cap is even needed, but I thought they agreed that one was needed at least in the center of the Site (their direct-contact presumptive remedy area) which would include about 1500 ft. of embankment that would not seem to need to be characterized. And even if they thought some parts of the Site didn't need a low-permeability cap (e.g., Valley Asphalt), wouldn't they still need to cap the sideslopes of the embankment north and west of Valley Asphalt to prevent lateral infiltration through the area that was capped with a low-permeability cap from the river? Otherwise how would they isolate the fill in the center of the Site since it is all below ground and below the water-table? Or maybe they would have some plan to do some sort of a subsurface impermeable barrier between the areas that required a low-permeability cap and areas that maybe just required a soil cover? Or would plan to not isolate the fill materials laterally at all - but then how would they determine they didn't need to do this. Or is this where the groundwater containment component would fit in?

Does this make sense? Is this something we should bring up to the PRPs soon to consider when they work on a sampling strategy for at least this part of the Site?

Please let me know.

Thanks! Karen.



**From:** Mark Allen  
**To:** Cibulskis.Karen@epamail.epa.gov; Matt Justice; tccampbell@ene.com; va...  
**Date:** 2/27/2008 8:34 AM  
**Subject:** Re: EPA Revisions/Comments on Test Pit/Trench Proposal

**CC:** mankowski.matthew@epa.gov  
Karen:

The last paragraph of TEST PITS AND TRENCHES on page 3 says: "Sampling and analysis of material collected from the test pits and trenches will also allow for the further characterization of sampled fill materials at these locations and allow for the determination will provide a preliminary indication of any direct contact, ingestion, inhalation and migration exposure risks from the sampled material for the parameters analyzed for at these locations."

These samples will likely come from some depth as they are test pit and test trench samples. It's not clear that they would be useful for direct contact, ingestion, or inhalation as these are all exposure routes generally associated with surface soils. The purpose of conducting waste characterization at a municipal landfill site, just going by EPA's guidance, is to characterize potential hot spots (areas for which containment may not be reliable). Otherwise, the assumption is that it's a large mass of low level threat waste for which containment is appropriate. If the purpose of the interior test pits and trenches is not potential hot spot investigation, then, as you point out, it's not at all clear what the purpose is. If the purpose is potential hot spot investigation, then there is a framework within which to determine if their overall approach is adequate for that purpose. I don't bring this up as any position cast in stone, but rather as a possible context for discussion of the purpose of what they are proposing using EPA's RI/FS for Muni LF Guidance and the Presumptive Remedy for Muni LFs guidance as the context, should context be desired.

Mark

>>> <[Cibulskis.Karen@epamail.epa.gov](mailto:Cibulskis.Karen@epamail.epa.gov)> 2/26/2008 6:39 PM >>>

See attached. I still have to go through EPA's test pit/trench comments on RI/FS Work Plan and FSP.

See you tomorrow, Karen.

(See attached file: Revised-Trench-Proposal-2-26.doc)



**From:** Mark Allen  
**To:** Cibulskis.Karen@epamail.epa.gov  
**Date:** 2/27/2008 9:08 AM  
**Subject:** Re: EPA Revisions/Comments on Test Pit/Trench Proposal

I understand your desire to ensure that risk is evaluated. I just think they'd say it's not coming up to the surface. That leaves why they are doing it hanging out there, and I was only suggesting a defensible context rooted in the guidance appended to their order should that be useful at some point.  
Mark

>>> <Cibulskis.Karen@epamail.epa.gov> 2/27/2008 8:50 AM >>>  
Hi Mark. I guess I was looking at it in terms of the degree of hazard the sampled materials at depth would pose under a potential future risk, for example, if they were excavated and left on the surface. I'll look at it again.

Karen.

"Mark Allen"  
<Mark.Allen@epa.  
state.oh.us>

To  
02/27/2008 07:34 AM <tccampbell@ene.com>, LUANNE  
VANDERPOOL/R5/USEPA/US@EPA, "Matt  
Justice"  
<Matt.Justice@epa.state.oh.us>,  
Karen Cibulskis/R5/USEPA/US@EPA  
cc  
MATTHEW MANKOWSKI/R5/USEPA/US@EPA

Subject  
Re: EPA Revisions/Comments on  
Test Pit/Trench Proposal

Karen:

The last paragraph of TEST PITS AND TRENCHES on page 3 says: "Sampling and analysis of material collected from the test pits and trenches will also allow for the further characterization of sampled fill materials at these locations and allow for the determination will provide a preliminary indication of any direct contact, ingestion, inhalation and migration exposure risks from the sampled material for the parameters analyzed for at these locations."

These samples will likely come from some depth as they are test pit and test trench samples. It's not clear that they would be useful for



direct contact, ingestion, or inhalation as these are all exposure routes generally associated with surface soils. The purpose of conducting waste characterization at a municipal landfill site, just going by EPA's guidance, is to characterize potential hot spots (areas for which containment may not be reliable). Otherwise, the assumption is that it's a large mass of low level threat waste for which containment is appropriate. If the purpose of the interior test pits and trenches is not potential hot spot investigation, then, as you point out, it's not at all clear what the purpose is. If the purpose is potential hot spot investigation, then there is a framework within which to determine if their overall approach is adequate for that purpose. I don't bring this up as any position cast in stone, but rather as a possible context for discussion of the purpose of what they are proposing using EPA's RI/FS for Muni LF Guidance and the Presumptive Remedy for Muni LFs guidance as the context, should context be desired.

Mark

>>> <[Cibulskis.Karen@epamail.epa.gov](mailto:Cibulskis.Karen@epamail.epa.gov)> 2/26/2008 6:39 PM >>>

See attached. I still have to go through EPA's test pit/trench comments on RI/FS Work Plan and FSP.

See you tomorrow, Karen.

(See attached file: Revised-Trench-Proposal-2-26.doc)



**From:** Mark Allen  
**To:** Matt Justice  
**Date:** 3/18/2008 8:47 AM  
**Subject:** Soil Vapor at SDD

**CC:** Chuck Mellon

For discussion, or creation of further confusion if you prefer:

1) Page 1, objectives at bottom: I think this is limited to an assessment of the landfill mass as far as soil gas goes, and not the plume (groundwater as a source of soil gas - RI/FS stuff). That should be clarified. Note the last sentence of the third paragraph under the LANDFILL GAS/SOIL VAPOR INVESTIGATION heading on page 2: It says: "The boundary gas probe locations have been selected in order to characterize the potential for LFG and soil vapor migration from the Site boundary to off-Site receptors." This seems overly general, and should be modified to clarify that this investigation will only answer questions related to the landfill mass, if that's the case.

2) Page 2, LANDFILL GAS/SOIL VAPOR INVESTIGATION, second paragraph: It is assumed that the three probes in the Valley Asphalt area will also be sampled for methane and non-methane volatile organic compounds, as is stated for the 5 probes in the central area. The acronym should be NMOCs and not VOCs. Non-methane organic compounds are what they should be sampling for, and what LF gas ARARs speak to. I think NMOCs are a larger universe than VOCs. I'm not sure this is what they are doing. It looks like it's limited to VOCs.

3) Page 2, GAS PROBE INSTALLATION, second paragraph: 20 feet down with a screen interval of slightly more than a foot? That doesn't seem right to me. I would think the screens would be much longer and that what matters is that they start far enough beneath the surface and are of a design to minimize short-circuiting.

4) a summa canister with a 1-hour collection time, put on after pressure readings and methane, LEL, and oxygen readings. That don't seem right either.

5) There should be detailed SOPs for this and other work. I assume they will be in the SAP, but it doesn't say so. They are not mentioned; construction details are. SOPs are needed for all their field sampling, and one assumes they will be in the SAP.

6) Page 5, last sentence under REPORTING: It says "The data will be used in the FS to identify potential areas where further investigation or assessment may be appropriate." I don't think this meets EPA's objective. The purpose of the FS should be to evaluate methods of LFG control if that control is needed, not to identify where further assessment or investigation may be appropriate.



**From:** Mark Allen  
**To:** Cibulskis.Karen@epamail.epa.gov; Matt Justice  
**Date:** 6/24/2008 9:12 AM  
**Subject:** Re: How Does South Dayton FSP Look? Any Comments? Also - Landfill GasLetterWork Plan Revised

Karen and Matt:

Karen asks: How do you want me to respond to this from OEPA's perspective? Just include Tracy's comment? Again, what about 3745-76?

Don't include all that stuff from Tracy. Don't say anything on our behalf other than these are ARARs for the site. That is Ohio's view. When this stuff is done, which is to say work that complies with ARARs I've never been to clear on - now, design, whatever, whenever. Ohio's understanding is that the PRPs are doing work to convince themselves of EPA's presumptive remedy determination (as supported by EPA's streamlined risk assessment and presumptive remedy proposal dated December 11, 2007, and as discussed in detail in the agenda for and at the February 6, 2008 meeting with the PRPs). The PRPs are not doing work for EPA and they are not doing work for us; they are doing work for themselves. We are not certifying their compliance with anything. We are saying these are ARARs for the site. They are not the only ARARs by any means. We (Ohio) assume we will respond with ARARs at the alternatives array stage, or no later than in response to the draft FS. Our understanding is the PRP's next task is to be a focused FS based on EPA's presumptive remedy determination, followed by an RI/FS for that which lies beyond the reach of the presumptive remedy. So we would plan on responding with ARARs at the time we get the draft focused FS (unless you anticipate a focused alternatives array for the presumptive remedy, which might be a good idea given where things are at). As for the landfill gas monitoring and NMOC monitoring, they do it now or they do it later.

Matt and Tracy both raise valid points in terms of "normalcy" being a comprehensive investigation performed in an iterative manner. That's not what's happening. So to be clear, we are not in any way determining or commenting on whether the PRPs' current work effort is right, wrong, or indifferent with respect to ARARs, but we are saying that these are ARARs for the site. As for what CRA believes, well, the burden is on them to demonstrate that they are complying with ARARs in the detailed analysis. One shot at a gas investigation probably isn't going to get it.

Mark

>>> <Cibulskis.Karen@epamail.epa.gov> 6/23/2008 6:03 PM >>>  
Thanks Matt. What about OAC 3745-76?

Also, we already know that methane was detected by OEPA.

The PRPs write:

"CRA believes that the scope and location of the landfill gas probes has taken the closest receptors into consideration. The 12 soil gas probes (for an 80 acre site) are located within 50 feet of occupied structures on Dryden Road. The gas probes will provide data with respect to the potential risk to occupants of adjacent buildings from landfill gas and soil vapor migration. The requirements for the explosive gas monitoring plans specified in OAC 3745-27-12 and the control of non-methane organic compound (NMOC) emissions specified in OAC 3745-76 will be assessed once the areas where putrescible/decomposable wastes were deposited are better delineated and once it is known if there are explosive/NMOC gas issues associated with the landfill, which has been inactive for more than 30 years."

Thanks, Karen.

"Matt Justice"  
<Matt.Justice@ep  
a.state.oh.us>

To



06/23/2008 04:32 PM Karen Cibulskis/R5/USEPA/US@EPA  
cc

"Mark Allen"  
<Mark.Allen@epa.state.oh.us>

Subject  
Re: How Does South Dayton FSP  
Look? Any Comments? Also -  
Landfill Gas LetterWork Plan  
Revised

Hi Karen,

You inquired as follows: "OEPA - I am especially interested in whether you have any further comments for the record on EPA Comment/CRA Response No. 2 re: OEPA ARARs, since I don't know whether the overall sampling CRA is proposing in the work plans is sufficient to assess the requirements for these ARARs."

We are talking about OAC 3745-12 (explosive gas monitoring) and OAC -3745-76 (non-methane emission controls). Let me quote from Tracy Buchanan's email (Div of Solid & Infectious Waste, (May 28, 2008):

"If you look at the explosive gas rules, OAC 3745-27-12, section A(2) would apply to this site. This means that the owner/operator should have submitted an explosive gas monitoring plan (which he did not). However, OAC 3745-27-12(A)(7)(c)(i) exempts those sites that accepted only non-putrescible wastes. The question here is was there any documentation of other types of wastes disposed of in the site? If there is uncertainty about this then I would suggest that you consider the following approach:

- 1) Before submitting a full-blown gas plan, require the PRP's to do extensive investigatory work. At a minimum, the limits of waste placement must be delineated and numerous borings should be taken from various areas within the limits of waste placement. If any gas is detected, then a gas plan would be required in accordance with 3745-27-12. Note: there is no minimum number of borings suggested in the solid waste rules - it's whatever you think is acceptable, but there should be borings /monitoring done in the pathway of any structures to ensure that anything migrating that way would be captured.
- 2) In addition to the gas investigation, explosive gas monitors/alarms should be placed in any occupied structure on the landfill or within 1000' of the limits of waste placement. These should stay in place, even if no gas is detected initially (for reasons explained below).
- 3) If no gas is detected, obviously you'll want a plan depicting where all of the borings were taken, etc. Ultimately, if the entire site is capped, it would be advisable to require monitoring again at some frequency (i.e. quarterly for 1-5 years). This is because we have seen sites that have consistently had "0" gas readings start blowing gas once the site is capped or the cap is repaired. Essentially it's like putting lid on a pot - you're trapping the gas inside that may have been



previously venting through the cap. This is why I suggested that the gas monitors/alarms be left in the buildings after the investigation is completed."

I interpret Tracy's email as describing an integrated, phased approach to ensure against offsite gas migration. So I think we'll have to wait and see what the results show us. For example the installation of indoor alarms, may be found necessary based on the distance of occupied structures from the delineated extent of putrescible waste. Gas collection and emission control systems may also be found necessary. To evaluate necessary actions we'll have to follow appropriate guidance. I've attached US EPA's guidance, and a hotlink to Ohio EPA guidance for locating explosive gas monitors.

[http://www.epa.state.oh.us/dsiwm/document/currentrule/3745-27-12\\_current.pdf](http://www.epa.state.oh.us/dsiwm/document/currentrule/3745-27-12_current.pdf)

>>> <Cibulskis.Karen@epamail.epa.gov> 6/17/2008 9:47 AM >>>

Hi. I'm back and just checking to see how things are going with the revised South Dayton FSP and if, between the approved letter work plans and the FSP, we have everything we need or if you have any further comments. Everything else has been pretty much approved so as soon as we can get the FSP finalized we can get the PRPs out in the field.

Also, the PRPs made some revisions to the EPA-approved Landfill Gas Letter Work Plan in an attempt to address some of the comments EPA sent CRA along with our approval (see 05/28/08 email). The revised Landfill Gas Letter Work Plan and CRA's response to EPA's comments are attached, so please let me know if you have any further comments on these documents - and whether any further changes need to be made to the FSP based on these changes.

I will start looking at the FSP too although I already gave CRA my comments on the background sections and am not sure I will have any technical comments to add about sampling procedures.

Please let me know.

Thanks! Karen.

(See attached file: 038443Cibu-39 Landfill Gas Responses.pdf)(See attached file: 038443Cibu-30 Landfill Gas R2.pdf)(See attached file: 038443Cibu-30 Landfill Gas Table1 R2.xls)

----- Forwarded by Karen Cibulskis/R5/USEPA/US on 06/17/2008 08:26 AM -----

Karen  
Cibulskis/R5/USE  
PA/US

To  
05/29/2008 04:59 PM  
vanderpool.luanne@epa.gov,  
matt.justice@epa.state.oh.us,  
mark.allen@epa.state.oh.us,  
brett.fishwild@ch2m.com,  
tccampbell@ene.com,  
nash.thomas@epa.gov,  
david.boehnker@ch2m.com,  
mankowski.matthew@epa.gov

cc



Subject  
Fw: Revised FSP 1 of 3

FSP being sent in 3 emails.

Please review and let me know if, between the approved letter work plans and the FSP, we have everything we need or if you have any further comments. I will send out the approved Landfill Gas Letter Work Plan tomorrow, mostly as is. CH2M/E&E, we will have the PRPs address your landfill gas comments in the FSP, except we will agree they can use the higher detection limits, cautioning them that these detection limits are significantly higher than many of the PRGs in their QAPP. As with the other work plans, the information they collect can be used to support EPA's presumptive remedy, but cannot be used to support a no-action or something less than an ARARs-compliant remedy.

Please focus on the geophysical investigation section(s) first and let me know if we can have them start the geophysical work 6/9 or if you still have any outstanding concerns by Thursday, May 29th or Friday morning, May 30th so I can get back to the PRPs before I leave.

If you need to reach me while I am on vacation, you can call me on my cell phone at 815-370-5292, but sometimes it takes me awhile to get my cell phone messages, so you should leave me a message on my work voicemail too.

Thanks! Karen.

-----Forwarded by Karen Cibulskis/R5/USEPA/US on 05/27/2008 07:19PM

-----  
To: Karen Cibulskis/R5/USEPA/US@EPA  
From: "Almeida, Luis" <lalmeida@craworld.com>  
Date: 05/27/2008 05:03PM  
cc: <KBrown@ITW.com>, "Jim Campbell" <jrc@e-emi.com>,  
<roger.mccready@ncr.com>, <cbay3@verizon.net>, "Quigley, Steve"  
<squigley@craworld.com>, "Loney, Adam" <aloney@craworld.com>  
Subject: Revised FSP

Karen

Attached is a PDF copy of the revised FSP text for your review and comment. Due to the size of the file I will send the tables, figures and SOPs separately. We had a technical writer review the report text and make changes to address consistency issues and improve reading. The Site history section of the report was revised after your comments were incorporated. I inform me if you wish to have any additional parties added to the Cc list. Please call or email Steve or I if you have any questions or comments on the submitted material.

Regards



Luis Almeida

Conestoga-Rovers & Associates  
651 Colby Drive  
Waterloo, Ontario  
N2V 1C2

Phone: (519) 884-0510  
Fax: (519) 884-0525  
[www.CRAworld.com](http://www.CRAworld.com)

(Embedded image moved to file: pic21588.gif)

[attachment "[Image.079373121@27052008-1B5C.gif](#)" deleted by Karen Cibulskis/R5/USEPA/US]

(See attached file: Guidance for Evaluating LF Emissionsepa-600-r-05-123.pdf)



**From:** Mark Allen  
**To:** Krause.Patricia@epamail.epa.gov  
**Date:** 9/18/2008 8:21 AM  
**Subject:** South Dayton Dump and Landfill Site

**CC:** Karen Cibulskis; Matt Justice  
Patti:

South Dayton Dump (and a number of other sites) date back to the beginning of the superfund program - CERCLA 103(c) notifications of past management of hazardous substances and state and county agencies inventorying sites where hazardous substances were known or suspected of having been disposed of. EPA had a backlog of CERCLIS sites requiring evaluation and they could not do it all themselves. There was sort of a "division of labor" and states (Ohio EPA) used federal grant money to fund our doing preliminary assessments and site inspections for a number of the backlogged sites while EPA used their staff and contractors to evaluate sites as well. At the time, joint USEPA-Ohio EPA Site Assessment Teams (SATs) met and prioritized this work. South Dayton Dump is one of the sites that came out of this process and has always been on a federal track. For a variety of reasons (those that prompted the passage of CERCLA come to mind), the Superfund process and CERCLA authority are designed to effectively address contamination associated with former co-disposal landfills like the South Dayton Dump, and that's why the site has always been on the federal superfund track.

Mark Allen  
Ohio EPA/SWDO/DERR

Mark,

Could you help answer this question from Patty Krause? She is putting together a community involvement plan for the site, and like to include a short explanation of why we got US EPA involved.

>>> <Krause.Patricia@epamail.epa.gov> 9/17/2008 10:43 AM >>>  
Thanks Matt. I was more interested in why EPA originally investigated the site in 1991? Was it because Ohio EPA deferred to EPA after doing a preliminary assessment and found hazardous waste that was effecting the ground water? I'm guessing you've left on your leave and hope it's for a vacation and you have a great time.

Patti Krause  
U.S. EPA Region 5  
PH: (312) 886-9506  
FAX: (312) 353-1155  
[krause.patricia@epa.gov](mailto:krause.patricia@epa.gov)

"Matt Justice"  
<Matt.Justice@ep  
a.state.oh.us>

To  
09/15/2008 02:16 PM Karen Cibulskis/R5/USEPA/US@EPA,  
Patricia Krause/R5/USEPA/US@EPA  
cc

Subject  
Re: South Dayton Dump and  
Landfill Site



Thanks Patty,

To answer your question, The governor of Ohio, wrote a letter to the acting Region 5 administrator, stating that Ohio supported inclusion of South Dayton Dump to the "proposed National Priorities" (letter July 13, 2004). U.S. EPA require's a governor's letter before they will propose a site the NPL.

Hope all is going well with you. By the way, I will on leave the 17th through 26th.

>>> <[Krause.Patricia@epamail.epa.gov](mailto:Krause.Patricia@epamail.epa.gov)> 9/15/2008 11:26 AM >>>

Hi Karen and Matt -

Attached is the draft Community Involvement Plan for the South Dayton Dump and Landfill site. This will be added to the cleanup site page at [www.epa.gov/region5/sites/sodayton](http://www.epa.gov/region5/sites/sodayton). Before placing on the web I'll remove the suggested names of people to talk to about the site. If there's any activity at the site that we should share with the community we can refer to the CIP as an outreach tool.

Also I'd like to also add information about how EPA got involved with the site. Did Ohio EPA defer to EPA and why? Thanks for your response.

(See attached file: CIP\_South Dayton Dump\_Sep08.doc)

Patti Krause  
U.S. EPA Region 5  
PH: (312) 886-9506  
FAX: (312) 353-1155  
[krause.patricia@epa.gov](mailto:krause.patricia@epa.gov)



**From:** Cindy Hafner  
**To:** Mark Allen  
**Date:** 3/17/2006 2:10 PM  
**Subject:** Fwd: Illinois Tool works  
**Attachments:** Illinois Tool works

whoops forgot to copy you. it finally showed up!



**From:** Cindy Hafner  
**To:** Pat Madigan  
**Date:** 3/17/2006 2:09 PM  
**Subject:** Illinois Tool works  
**Attachments:** Briefing -SDDL 3-17-06.wpd



**From:** Cindy Hafner  
**To:** Mark Allen  
**Date:** 3/22/2006 11:58 AM  
**Subject:** Re: Taft/ITW meeting

I assume the same thing you do, I've not heard anything yet.

>>> Mark Allen 03/22/06 10:56 AM >>>

I guess if anything of note came out of Taft's meeting with ITW, it would trickle down to you guys? And if nothing is heard, nothing came of it? Bye the bye, EPA did cut off negotiations last Friday on the orders and SOW. I learned from a voice mail left yesterday that EPA will give the PRPs "several weeks" to submit signature pages, but no more negotiations.

**From:** Craig Osborne  
**To:** Mark Allen  
**Date:** 9/16/2008 3:01 PM  
**Subject:** Air landfill OAC rule site

<http://www.epa.state.oh.us/dapc/regs/regs.html#NMOC>



**Mark Allen - Re: 7043 RE: Garland Road Landfill Site - Meetings**

---

**From:**  
**To:** Mark Allen  
**Date:** Thursday, January 05, 2006 7:25 PM  
**Subject:** Re: 7043 RE: Garland Road Landfill Site - Meetings  
**CC:** , Joe Smindak , Matt Justice

---

Matt and Mark - we just confirmed the SDD meeting for 10:00 Chicago time/11:00 Ohio time on Tuesday, January 17th. I hope you are both still available, especially to address concerns re: Ohio capping ARARs. I believe that the PRPs will set up another call-in number and I will pass that on to you as soon as it is available. Thanks, Karen.

-----Mark Allen <Mark.Allen@epa.state.oh.us> wrote: -----

To: Matthew Ohl/R5/USEPA/US@EPA  
 From: Mark Allen <Mark.Allen@epa.state.oh.us>  
 Date: 01/05/2006 10:25AM  
 cc: Joe Smindak <Joe.Smindak@epa.state.oh.us>, Matt Justice <Matt.Justice@epa.state.oh.us>, Karen Cibulskis/R5/USEPA/US@EPA  
 Subject: 7043 RE: Garland Road Landfill Site - Meetings

Matt: I believe that is the date Karen Cibulskis is trying to establish for the South Dayton Dump negotiations.

>>> "Tomka, Mike" <mtomka@craworld.com> 1/5/2006 11:43:46 AM >>>  
 Matt, the GM technical team is unavailable on 1/18, however we are available on 1/17 at 10:00 am.

We are available on 1/27 for the management meeting. Could we start the management meeting at 10:00?

Thanks Mike

-----Original Message-----

From: Ohl.Matthew@epamail.epa.gov [<mailto:Ohl.Matthew@epamail.epa.gov>]

Sent: Wednesday, January 04, 2006 12:14 PM  
 To: Tomka, Mike  
 Cc: Robert Rule; ed.e.peterson@gm.com; jean.e.caufield@gm.com; Maynard, Jerome; Moir, James; linda.l.bentley@gm.com; william.j.mcfarland@gm.com; Carney.Wendy@epamail.epa.gov; Mankowski.Matthew@epamail.epa.gov; Branigan.Terry@epamail.epa.gov; Joe.Smindak@epa.state.oh.us; Mark.Allen@epa.state.oh.us; bob.gable@dnr.state.oh.us; jwolary@go-concepts.com; andy.suminski@ttemi.com; Hersemann, Rick  
 Subject: Garland Road Landfill Site - Meetings

Mike,

Please let me know if you can confirm availability for a technical staff meeting on 1/18 at 10:00 and a follow-up meeting with management on 1/27. Thanks.



Matthew J. Ohl  
Remedial Project Manager  
United States Environmental Protection Agency  
77 West Jackson Boulevard, SR-6J  
Chicago, IL 60604-3590

phone: 312.886.4442  
fax: 312.886.4071  
e-mail: ohl.matthew@epa.gov



**From:** <Cibulskis.Karen@epamail.epa.gov>  
**To:** Mark Allen <Mark.Allen@epa.state.oh.us>  
**Date:** 2/27/2006 11:03 AM  
**Subject:** SOW  
**Attachments:** SOW-02-27-06.wpd

(See attached file: SOW-02-27-06.wpd)

**From:** <Cibulskis.Karen@epamail.epa.gov>  
**To:** Mark Allen <Mark.Allen@epa.state.oh.us>  
**Date:** 5/10/2006 9:07 AM  
**Subject:** Re: SDDL

**CC:** Matt Justice <Matt.Justice@epa.state.oh.us>  
We're still waiting for signature pages. I'm going to be out of the office 5-18 to 6-9, returning on 6-12. I'm getting the contractor documents ready for RI/FS oversight and will also start on one for RI/FS in case the Site goes fund-lead. But hopefully we will have signature pages by the time I return.

Karen.

Mark Allen  
<Mark.Allen@epa.  
state.oh.us>

To  
05/10/2006 07:09 AM Karen Cibulskis/R5/USEPA/US@EPA  
cc  
Matt Justice  
<Matt.Justice@epa.state.oh.us>

Subject  
SDDL

Just wondered how things were going.



**Mark Allen - Re: Response to Special Notice Letter for South Dayton Dump**

---

**From:**  
**To:** Mark Allen ,  
**Date:** Tuesday, January 03, 2006 11:43 AM  
**Subject:** Re: Response to Special Notice Letter for South Dayton Dump

---

Thanks Mark, I appreciate OEPA's input. Right now it seems like we may be looking at another PRP meeting on January 17th or 18th or on the M, T or W of the following week. I will let you know once we hear back from the PRPs. Any conflicts with OEPA on any of those days?

Thank you for directing me to Matt Ohi, I spoke with him a few weeks ago. I think that the current SOW proposals continue to misuse the intent of the presumptive remedy guidance. I am re-reviewing the guidance and am trying to come up with some language to make it clear that a full RI/FS, Risk Assessment and Ecological Assessment will be required for all areas and media where presumptive remedy components are not to be implemented.

I appreciate Matt Justice's comments and look forward to reviewing yours. Would you and Matt be free next Wednesday, January 11th for an EPA/OEPA conference call?

Thanks! Karen.

**From:** Peter Whitehouse  
**To:** Mark Allen; Matt Justice  
**Date:** 3/17/2006 5:51 PM  
**Subject:** Fwd: ITW Briefing  
**Attachments:** ITW Briefing

this is what eventually got sent.



**From:** Chris Snider  
**To:** kbartter@gov.state.oh.us  
**Date:** 3/17/2006 5:43 PM  
**Subject:** ITW Briefing  
**Attachments:** Governor.doc

**CC:** Cindy Hafner; Pat Madigan; Peter Whitehouse; pschmid@gov.state.oh.us

**From:** <Cibulskis.Karen@epamail.epa.gov>  
**To:** "Mark Allen" <Mark.Allen@epa.state.oh.us>  
**Date:** 3/3/2008 1:39 PM  
**Subject:** Trench Work

**CC:** "Matt Justice" <Matt.Justice@epa.state.oh.us>

Mark, I just wanted to say thanks for trying to get someone from OEPA out to the Site for the trench work as much as you can. With some of the field decisions that will be made, I think having OEPA out there will go a long way to making sure we get as much out of this effort as we can, and I appreciate your willingness to collect samples the PRPs might not otherwise collect if you think there is a reason to. I will also be out of the office for the first 2 weeks of June, which won't help either, although I should be at least somewhat accessible by phone, so I keep hoping the work is scheduled around this.

I also think OEPA will have a better handle on the "visual identification" of waste types than CH2M's oversight person might have (only a P1 and not really supposed to be involved in decision-making, only in observation), although I'm going to talk to them some more about that.

Does OEPA have enough money in your budget for this? I'm not sure when your last funding request was but want to make sure you have what you need. The money the PRPs paid us for 2007 oversight is in a site-specific special account so we should be able to tap into this if we need to to fund you. I will have someone from CH2M there but maybe there is some way we can work it so OEPA checks in on the trenches to make sure we agree with the PRPs interpretation and data collection activities - maybe toward the end of each day or something and at critical junctures? Whatever you think you want to/can provide in terms of a field presence during this let me know and I will work with you to justify and get you any funding you need, especially since CH2M's work plan provides more for "reporting" than "field decisions" and Matt M. has committed us to "fast tracking" this and working with the PRPs on a "real time basis".

Karen.



**From:** <Cibulskis.Karen@epamail.epa.gov>  
**To:** "Mark Allen" <Mark.Allen@epa.state.oh.us>  
**Date:** 3/3/2008 2:29 PM  
**Subject:** Re: Trench Work

Thanks Mark. I didn't realize there was a ban on State sampling - but it is probably the same reason why I was told not to set up CH2M's work plan for them to collect samples either. Let me start with Matt M. and see if there is something we can work out in this case with a limit on the number of OEPA samples and parameters. If not, at least OEPA would be out there to tell CRA they really should take a lab sample of something and, if they still refuse, document that as an uncertainty/data gap.

Karen.

"Mark Allen"  
<Mark.Allen@epa.  
state.oh.us>

To  
03/03/2008 01:11 PM Karen Cibulskis/R5/USEPA/US@EPA  
cc

"Matt Justice"  
<Matt.Justice@epa.state.oh.us>

Subject  
Re: Trench Work

Karen -

We'll get back to you once we have the schedule and we can see how long tasks are expected to take. One thing you might want to do is coordinate this with Wendy as part of it may be sampling and if I understand the folks in CO, that's something Wendy did not want to pay for. That problem would go away if we said "Hey there EPA oversight contractor guy, get summa that stuff in a jar and submit it to EPA's lab." If you want the data to be CLP data, then we will need to send the samples to your lab anyway. But the long and short is we are probably OK with money for now, or so CO tells me, if you guys are OK with how we spend it (such as on taking samples). So maybe you want to ask Wendy if restrictions on the use of the grant money could be lifted



for this sort of thing?

Mark

>>> <Cibulskis.Karen@epamail.epa.gov> 3/3/2008 1:39 PM >>>

Mark, I just wanted to say thanks for trying to get someone from OEPA out to the Site for the trench work as much as you can. With some of the field decisions that will be made, I think having OEPA out there will go a long way to making sure we get as much out of this effort as we can, and I appreciate your willingness to collect samples the PRPs might not otherwise collect if you think there is a reason to. I will also be out of the office for the first 2 weeks of June, which won't help either, although I should be at least somewhat accessible by phone, so I keep hoping the work is scheduled around this.

I also think OEPA will have a better handle on the "visual identification" of waste types than CH2M's oversight person might have (only a P1 and not really supposed to be involved in decision-making, only in observation), although I'm going to talk to them some more about that.

Does OEPA have enough money in your budget for this? I'm not sure when your last funding request was but want to make sure you have what you need. The money the PRPs paid us for 2007 oversight is in a site-specific special account so we should be able to tap into this if we need to to fund you. I will have someone from CH2M there but maybe there is some way we can work it so OEPA checks in on the trenches to make sure we agree with the PRPs interpretation and data collection activities - maybe toward the end of each day or something and at critical junctures? Whatever you think you want to/can provide in terms of a field presence during this let me know and I will work with you to justify and get you any funding you need, especially since CH2M's work plan provides more for "reporting" than "field decisions" and Matt M. has committed us to "fast tracking" this and working with the PRPs on a "real time basis".

Karen.



**Mark Allen - Re: SDDL PRP Conference Call Monday, April 21st 1:30 CDT/2:30 EDT**

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**From:****To:** "Mark Allen" ,**Date:** Monday, April 21, 2008 3:12 PM**Subject:** Re: SDDL PRP Conference Call Monday, April 21st 1:30 CDT/2:30 EDT

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Yes. But somehow I think they think what they gave us in the Letter Work Plan was the SOPs. So once we confirm what we have from them is the complete submittal for the geophysics and survey work - between the Letter Work Plan and whatever they submit for the FSP or say they already gave us in the revised FSP they sent us (if they do not plan on including specific SOPs for the survey/geophysical work) - then I guess we will need to tell them what they are still missing then. I'm not at the office now and don't have the revised FSP with me. Was there more detail in the geophysical/survey section of the FSP that would take the place of specific SOPs?

Karen.

-----"Mark Allen" &lt;Mark.Allen@epa.state.oh.us&gt; wrote: -----

To: Karen Cibulskis/R5/USEPA/US@EPA

From: "Mark Allen" &lt;Mark.Allen@epa.state.oh.us&gt;

Date: 04/21/2008 01:56PM

Subject: Re: SDDL PRP Conference Call Monday, April 21st 1:30 CDT/2:30 EDT

Karen:

Confused about FSOPs. Will we have them for Geophysics and surveying before that work is done?

Mark and Matt

&gt;&gt;&gt; &lt;Cibulskis.Karen@epamail.epa.gov&gt; 4/21/2008 1:50 PM &gt;&gt;&gt;

Sorry Mark, I was out this morning. Yes, 2:30 EDT. Karen.

-----"Mark Allen" &lt;Mark.Allen@epa.state.oh.us&gt; wrote: -----

To: Karen Cibulskis/R5/USEPA/US@EPA

From: "Mark Allen" &lt;Mark.Allen@epa.state.oh.us&gt;

Date: 04/21/2008 06:52AM

Subject: Re: SDDL PRP Conference Call Monday, April 21st 1:30 CDT/2:30 EDT

Karen:

Just confirming our understanding that the call is at 2:30 p.m. Ohio time, yes?

Mark

&gt;&gt;&gt; &lt;Cibulskis.Karen@epamail.epa.gov&gt; 4/20/2008 8:38 AM &gt;&gt;&gt;

See below for call-in information. PRPs want to talk about status of submittals/reviews and addressing EPA's comments. Luanne, I will see if I can get a room for us. Steve Quigley of CRA said no attorneys will be on the call.

Thanks, Karen.

-----Forwarded by Karen Cibulskis/R5/USEPA/US on 04/20/2008 07:34AM -----

To: Karen Cibulskis/R5/USEPA/US@EPA



From: "Quigley, Steve" <squigley@craworld.com>  
Date: 04/17/2008 09:15PM  
cc: "Brown, Ken" <KBrown@ITW.com>, <jrc@e-emi.com>, "Paul Jack" <cbay3@verizon.net>, <roger.mccready@ncr.com>, "Loney, Adam" <aloney@craworld.com>, "Almeida, Luis" <lalmeida@craworld.com>  
Subject: RE: Availability for a conference Call SDDL Site

Karen, those of us who are available are available at 1:30 CDT (2:30 EDT). Call-in number is:

800 - 503 - 2899

Pass code: 1365403

I will circulate a draft agenda tomorrow or Monday morning. We would like to review the status of the various submittals and the plans for addressing USEPA's comments.

Steve

From: Cibulskis.Karen@epamail.epa.gov [mailto:Cibulskis.Karen@epamail.epa.gov]  
Sent: Thursday, April 17, 2008 11:38 AM  
To: Quigley, Steve  
Cc: vanderpool.luanne@epa.gov; mankowski.matthew@epa.gov; matt.justice@epa.state.oh.us; mark.allen@epa.state.oh.us; brett.fishwild@ch2m.com; david.boehnker@ch2m.com; tccampbell@ene.com; nash.thomas@epa.gov  
Subject: Re: Availability for a conference Call SDDL Site

Hi Steve, EPA is available for a call on Monday, April 21st anytime after 12:00 CDT/1:00 EDT. Please get back to me with a time and call-in number. Thanks!  
Karen.

-----"Quigley, Steve" <squigley@craworld.com> wrote: -----

To: Karen Cibulskis/R5/USEPA/US@EPA  
From: "Quigley, Steve" <squigley@craworld.com>  
Date: 04/16/2008 07:33AM  
Subject: Availability for a conference Call SDDL Site

Karen, could we schedule a call for next Monday April 21, or Wednesday April 23? Please let me know what times would work for you. We would like to review the schedule, the status of the various submittals, and our responses to your comments.

Steve  
Stephen M. Quigley P. Eng., P.E.  
Conestoga-Rovers & Associates  
651 Colby Drive  
Waterloo ON  
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519-884-0510  
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**From:** <Krause.Patricia@epamail.epa.gov>  
**To:** Mark.Allen@epa.state.oh.us  
**Date:** 9/18/2008 8:36 AM  
**Subject:** Re: South Dayton Dump and Landfill Site

Thank you Mark for the detailed information. I appreciate your quick response.

Patti Krause  
U.S. EPA Region 5  
PH: (312) 886-9506  
FAX: (312) 353-1155  
krause.patricia@epa.gov

"Mark Allen"  
<Mark.Allen@epa.  
state.oh.us>

To  
09/18/2008 07:21 Patricia Krause/R5/USEPA/US@EPA  
AM cc

"Matt Justice"  
<Matt.Justice@epa.state.oh.us>,  
Karen Cibulskis/R5/USEPA/US@EPA

Subject  
South Dayton Dump and Landfill  
Site

Patti:

South Dayton Dump (and a number of other sites) date back to the beginning of the superfund program - CERCLA 103(c) notifications of past management of hazardous substances and state and county agencies inventorying sites where hazardous substances were known or suspected of having been disposed of. EPA had a backlog of CERCLIS sites requiring evaluation and they could not do it all themselves. There was sort of a "division of labor" and states (Ohio EPA) used federal grant money to fund our doing preliminary assessments and site inspections for a number of the backlogged sites while EPA used their staff and contractors to evaluate sites as well. At the time, joint USEPA-Ohio EPA Site Assessment Teams (SATs) met and prioritized this work. South Dayton Dump is one of the sites that came out of this process and has always



been on a federal track. For a variety of reasons (those that prompted the passage of CERCLA come to mind), the Superfund process and CERCLA authority are designed to effectively address contamination associated with former co-disposal landfills like the South Dayton Dump, and that's why the site has always been on the federal superfund track.

Mark Allen  
Ohio EPA/SWDO/DERR

Mark,

Could you help answer this question from Patty Krause? She is putting together a community involvement plan for the site, and like to include a short explanation of why we got US EPA involved.

>>> <Krause.Patricia@epamail.epa.gov> 9/17/2008 10:43 AM >>>  
Thanks Matt. I was more interested in why EPA originally investigated the site in 1991? Was it because Ohio EPA deferred to EPA after doing a preliminary assessment and found hazardous waste that was effecting the ground water? I'm guessing you've left on your leave and hope it's for a vacation and you have a great time.

Patti Krause  
U.S. EPA Region 5  
PH: (312) 886-9506  
FAX: (312) 353-1155  
krause.patricia@epa.gov

"Matt Justice"  
<Matt.Justice@ep  
a.state.oh.us>

To  
09/15/2008 02:16 PM Karen Cibulskis/R5/USEPA/US@EPA,  
Patricia Krause/R5/USEPA/US@EPA  
cc

Subject  
Re: South Dayton Dump and  
Landfill Site

Thanks Patty,



To answer your question, The governor of Ohio, wrote a letter to the acting Region 5 administrator, stating that Ohio supported inclusion of South Dayton Dump to the "proposed National Priorities" (letter July 13, 2004). U.S. EPA require's a governor's letter before they will propose a site the NPL.

Hope all is going well with you. By the way, I will on leave the 17th through 26th.

>>> <Krause.Patricia@epamail.epa.gov> 9/15/2008 11:26 AM >>>

Hi Karen and Matt -

Attached is the draft Community Involvement Plan for the South Dayton Dump and Landfill site. This will be added to the cleanup site page at [www.epa.gov/region5/sites/sodayton](http://www.epa.gov/region5/sites/sodayton). Before placing on the web I'll remove the suggested names of people to talk to about the site. If there's any activity at the site that we should share with the community we can refer to the CIP as an outreach tool.

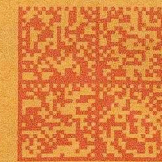
Also I'd like to also add information about how EPA got involved with the site. Did Ohio EPA defer to EPA and why? Thanks for your response.

(See attached file: CIP\_South Dayton Dump\_Sep08.doc)

Patti Krause  
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